

PHILLIP A. TALBERT  
United States Attorney  
DAVID GAPPA  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
  
Attorneys for Plaintiff  
United States of America

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ALDO DAVID ALCARAZ,  
  
Defendant.

Case No. 1:21-cr-00205-ADA-BAM

**STIPULATION TO CONTINUE AUGUST 28,  
2023, HEARING TO SEPTEMBER 11, 2023;  
ORDER**

Ctrm: 1

Hon. Ana de Alba

This case is set for a change of plea hearing on August 28, 2023.

THE PARTIES HEREBY STIPULATE, through their respective attorneys of record, Assistant United States Attorney David Gappa, counsel for the government, and Thomas P. Matthews, counsel for defendant Aldo David Alcaraz (defendant), that the **August 28, 2023, change of plea hearing be continued to September 11, 2023, at 8:30 a.m.** The parties request that the court issue the proposed order based on the following considerations:

The parties base this stipulation on good cause. Specifically,

1. By prior stipulation, the parties moved to continue a July 10, 2023, motion hearing until August 28, 2023, as well as to exclude time between July 10, 2023, through August 28, 2023, under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

2. The parties based this stipulation on good cause, more specifically:

a) In May 2023, the prosecution of this case was re-assigned to Assistant United

1 States Attorney, David Gappa. The government filed a designation of counsel form in this  
2 regard on April 26, 2022. Dkt. 46.

3 b) The government provided a revised proposed plea agreement to the defense, and  
4 defense counsel requested and received additional time to consider the agreement. The parties  
5 have finalized that agreement, and it has been filed.

6 c) While the events described in (b) above took place, counsel for the government  
7 was designated to attend a program in a different state that begins on the currently scheduled date  
8 of August 28, 2023. The requested new date is the first date that fits the calendars of the court  
9 and counsel.

10 d) Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of July 10, 2023 through August 28,  
15 2023, inclusive, is deemed excludable under 18 U.S.C. §§ 3161(h)(1)(H) and 3161(h)(7)(A) and  
16 (B)(i) and (iv) because it results from a continuance granted by the Court at defendants' request  
17 on the basis of the Court's finding that the ends of justice served by taking such action outweigh  
18 the best interest of the public and the defendant in a speedy trial.

19 3. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
21 must commence.

22 IT IS SO STIPULATED.

23 Dated: August 9, 2023

PHILLIP A. TALBERT  
United States Attorney

24 By: /s/ DAVID GAPPA  
25 DAVID GAPPA  
26 Assistant United States Attorney

27 Dated: August 9, 2023

28 By: /s/ Thomas P. Matthews  
Thomas P. Matthews, Esq.  
Attorney for Defendant

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Ctrm: 1

Hon. Ana de Alba


**ORDER**

IT IS ORDERED that the change of plea hearing currently set for August 28, 2023, at 8:30 a.m. is continued until September 11, 2023, at 8:30 a.m.

IT IS FURTHER ORDERED THAT the period of time from August 28, 2023, through September 11, 2023, is deemed excludable under 18 U.S.C. §§ 3161(h)(1)(H) and 3161(h)(7)(A) and (B)(i) and (iv) because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: August 10, 2023

  
UNITED STATES DISTRICT JUDGE